

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Edward David Stahlmann,

File No. 22-cv-3058 (ECT/DTS)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Minnesota Department of Corrections;
Centurion of Minnesota; Paul Schnell, Ann
Blanchard, Michelle Paulson, and Tracy
Beltz, *each in their individual and official
capacities,*

Defendants.

Magistrate Judge David T. Schultz issued a Report and Recommendation on August 4, 2023. ECF No. 54. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 54] is **ACCEPTED**;
2. Defendants' Motion to Dismiss [ECF No. 30] is **GRANTED** as follows:
 - a. Plaintiff's federal claims against Defendants Minnesota Department of Corrections, Paul Schnell, and Tracy Beltz are dismissed in their entirety with prejudice on the merits; except that the claims against

Defendants Schnell and Beltz in their individual capacities are dismissed without prejudice;

- b. Plaintiff's Fourteenth Amendment claim against Defendant Centurion of Minnesota is dismissed with prejudice and his Eighth Amendment claim is dismissed without prejudice;
- c. Plaintiff's Official Capacity claims against Defendants Ann Blanchard and Michelle Paulson are dismissed in their entirety and with prejudice on the merits;
- d. Plaintiff's Fourteenth Amendment claims against Defendants Ann Blanchard and Michelle Paulson are dismissed in their entirety and with prejudice on the merits;
- e. Plaintiff's claim for Injunctive Relief against Defendant Paul Schnell is dismissed in its entirety and with prejudice on the merits;
- f. Plaintiff's claims against all Defendants arising under Article I, Sections 5 and 7 of the Minnesota Constitution are dismissed in their entirety and with prejudice on the merits;
- g. Plaintiff's claims against Defendant Paul Schnell arising under Minnesota Statute Chapter 241 are dismissed in their entirety and with prejudice on the merits;
- h. Plaintiff's claims against Defendants Minnesota Department of Corrections, Paul Schnell, Tracy Beltz, Ann Blanchard and Michelle

Paulson arising under Minnesota rule 2911.5800, subps. 4 and 8 are
dismissed in their entirety and with prejudice on the merits; and

3. Defendants' Motion to Dismiss [ECF No. 30] is **DENIED** in all other
respects.

Dated: September 5, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court